App. F. IX-4

Previous References
Fh. 208-33 (1-2)
" 96-34 (3-7)
Judl. 11-18 (1-10)
" 114-34 (1-7)
Later References
S.O.F. 37-36-1-6

1935. (Judl)

File No. 15-
Serial Nos.

PRESERVED

General and Revenue Secretariat.

Serial Nos. one

Manuscripts A. Collection

Proceedings ~~Part B~~ for July 1935

SUBJECT.

Amendment to the Mysore Forest Regn. — Regn. II of 1935

No 2 to No 309 of 15-7-35 To the Compn

Order as to publication of the Regn. as Regn No II of 1935

Ramaswamy Iyengar.
5-9-35

MYSORE FOREST DEPARTMENT.

Tel. Address.
"CHIEFCON."

No.D3.28-429/33
Enclo.

OFFICE OF THE CHIEF CONSERVATOR OF FORESTS
IN MYSORE.

Bangalore, dated 24th May 193 4.

FROM

M. Machaya,
EXXXXRXXXXIKXXXR, ESQ., B.A.,
Offg. *Chief Conservator of Forests*
in Mysore, Bangalore.

To

R. Ranga Rao, Esq., B.A., B.L.,
Chief Secretary to the Government
of Mysore, B a n g a l o r e.

Sir,

With reference to your letter No.G.6056/Ft.208-33-2 dated 5th March 1934 requesting to take early action for including Sandal wood saw dust in the definition of Sandalwood, I have the honour to state that at present, there exists no definition for Sandalwood in the Mysore Forest Regulation. As such, suitable draft amendments for the same and for Section 78 of the Regulation which is also considered necessary, are prepared and enclosed herewith.

I request you to be so good as to take needful further action for getting the same passed.

I have the honour to be,

Sir,

Your most obedient servant,

M. Machaya

Offg.Chief Conservator of Forests.

Mnr/24.5.34

This will if approved, be sent to Law Secty for further action.

'34 - Please see if any consequential amendments are wanted. - Regarding amendment of Regn

... to Mr G.M. to kindly
... send the previous ...
... reply to by the Exptl
... Mr.
19/6

3 This may be sent to the Protection Bn for kindly
... bringing up to date ... amendments ... Section 42
... the Insane Drugs Regulation 1900 IV & 1932

28/7 MK

4 Hy's 44-31-1-7 ("A" Collection) may kindly be obtained
from the Records

20/7/31 MK

5 No Consequential amendments seem to be necessary.
This will, if approved, be sent to Pro Bar for further
action.

MV
20/7/84

please obtain typed up
the file reading of Amendment
of Sec 75 (Regs of 1925)

MV
31/7

General and Revenue
Secretariat

Serial No.

7 Submitted with Legis file 11 of 18 Con Reg and amendment to Sec 78 of the Mysore Forest Reg

MW.
1.9.34

8 Submitted with a draft copy of the bill together with the Statement of objects & reasons.

MW.
8/9/34

9 I believe this is Council matter — Please look into it. 10/9

10 The necessity for the proposed piece of Legislation has been indicated in Pt file 208 of 33 Sl 1 & 2 Pert ref. (vide 1 Member orders of 5.2.34 on page 2 of the file —)

11 This is a Council matter under clause (b) of Govt. no. P. 362-70/Legis 1-30-19

MW.
10.9.34

12 Kind reference is invited to Ch. Secys note Ds 14/2/34 Cont At para 9 of the Note in Pt file no 208 of of March 34 and the 1 Member's order

13 A draft Bill together with the Sts of & Reasons is submitted for approval.

This is Council matter.

Ch: Secy)

NOTE—Contn. Sheet.

WD 01955—GPB—22,500—12-6-34

The A. Sec Laws, will kindly examine this Bill when he has it back

RS
13/9/37

What is proposed is to include sandalwood specifically as being included in 'Forest produce' under sec 2 (5) and then to put in its meaning in brackets. I do not think this is a right method of legislating to carry out the purpose intended. I would leave the definition of 'Forest Produce' in cl (5) as it is and add a separate definition of 'Sandalwood' in clause (5A) as follows:—

16. (5A) "Sandalwood includes roots, billets, pieces sawn or otherwise chips and saw dust (containing any heartwood or not), but does not include sandalwood carved or otherwise manufactured"

The exclusion of carved or

Serial No.

in the Draft Suggested by the C.P.?

18 As regards amendment of sec 7 I think the following would be more Suitable

19 78 "Whoever Contravenes any the provisions of this regulation or of a rule made thereunder shall if no penalty is elsewhere provided for s Contravention be ~~[illegible]~~ liab on conviction to imprisonment for term which may extend to one mon or fine which may extend to two hundred rupees or both"

CHIEF SECRETARY'S 1 OCT. 1934

(Chief Secy) mp 1/10/

20 I agree with the above. Suggested in the margin above. Please see 5th.

21 Draft bill typed as pe

Pd 29/10

22 Please arrange as instructed. 9/11

23 Bills with typed drafts as revised.

mp 10/11

24 Put up typed drafts as rev by me please 12/11

25 Typed drafts are put up

mp 14/11

NOTE—Contn. Sheet

WD 01955—GPB—22,500—12-6-34

26 Revised drafts returned for approval.

14/11/34

(Ch: Secy)

RB
19/11/34

1. St Member

Can Mr Rees please hurry up?

RB
23/11

Returned to I Member and said need not hurry.

16/1/35

30

Drafts revised as instructed & returned

31 Revised drafts as per I Member's instructions returned for approval.

CHIEF SECRETARY'S OFFICE OF THE FIRST MEMBER OF COUNCIL
2-8 NOV 1934
No. 3956

RB
24/11/34

General and Revenue Secretariat

File No. ~~208~~ 15 of 1935.

Serial No.

33

Represent application as "saw dust- containing heart wood". Now it is proposed by "saw mills containing heart wood or not". What justification for thus extending the scope of the work? Please consult C.F. & O

by
26/1/35

RR
26/1/35

2
26/1

Gen & Rev. Secretariat
Bangalore 26.1

Memo. no ~~118~~ 120 of 34

34

Forwarded with Compliments to the Chief Conservator of Forests for favour of remarks.

By order

for Chief Secy to Govt

Amendment to Sec 75 Forest Regn

General and Revenue Secretariat

[App. F. III–2

File No. Legis. 108 15 of 1935

Serial No.

This is a Council matter & will be sent for further action

MW. 1/3/35 (Ch: Secy)

This may be disposed of by circy Resn

Ordered. 2/3/35 2/3

MR 4-3-35

Rly F 3(2)- 5/3

Note–Contn. Sheet

Submitted to His Highness.

I submit herewith a Final Note by the First *Member of Council* regarding the Bill to amend the Mysore Forest Regulation of 1900,

.....

for His Highness' gracious approval.

Dewan.

13

For Disposal by Circulation No. C. 946

..... 193 4-5

GENERAL AND REVENUE SECRETARIAT

Council Matter

Subject

Amendment to Section 75 of the Mysore Forest Regulation XI 1900.

Circulated to the Members of Council

By Order,

R. Rangaka

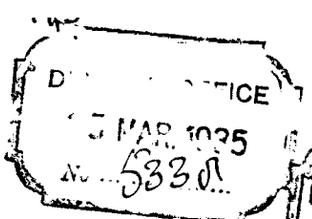
5th March 1935. *Chief Secretary to Government.*

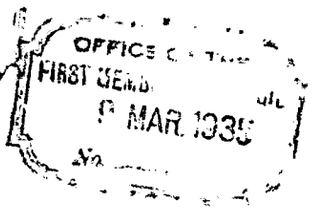
First Member of Council by 7/3/35

Second Member of Council JM 7/3

For favour of Final Note.

First Member)





F. N. Signed by Member. RR 8/3/35

S.N. put up. (maybe the y. appa routine

Dewan)

Routine case 5 16-3-35 Yes 13/3 14/3/35 16-3-35 16/3

5508/07 Amendment to Sec 75 of the Pt Regulation 14

General and Revenue Secretariat

Legislative File No. 45-2-L5 of 1935

[App. F. III–2

Serial No.

This may now be transferred to the Law Section.

MW. 21/3/35

Submitted to the chief secretary

21/3/35

Law Section)

Logic

28/3

A few verbal changes are suggested for approval.

The proposed legislation requires amendment. The statement of objects and Reasons may be adopted as the statement of General Principles for purposes of R.A and sent to the R.A & L.C Office

28/3

Please type with the verbal changes & send copy to R.A & L.C.

4/4/35

A slight change has been made in the draft Bill in the definition 'Sandalwood' & This has been approved by the Finance Member.

Copies may be sent to R.A & L.C

17/4/35

CHIEF SECRETARY'S OFFICE
27 JAN. 1935
GENL & REV. SECTT.

LEGISLATIVE SECTION
17 APR. 1935
GENL & REV. SECTT.

NOTE—Contn. Sheet.

Bill for Hon to amend Forces Reg't

File No. 15— of 1935.

General and Revenue Secretariat

Extra Copies of Statement of General Principles are put up. These will be sent to R.A. Office after approval

on
5/4

3 Copies of the Statement taken and file returned to the Prot. Branch. W.C.

BVN
22/4 22/4

To
The Typing Section with compliments for typing 5 Copies of the bill for Secy. Sent to the Publicity Office & Press for translation & printing Respectively

Submitted for orders

16/5/35

Submitted for orders if a copy of the bill together with a copy of the Statement of Objects & Reasons may be sent to the Press for publication & to the Translation Section

15/5/35

as draft will be published under Rule 8 & introduced in the ensuing

TYPING SECTION. 16. MAY 1935 GENL. & REV. SECTT.

OFFICE FIRST NE... 20 MAY 1935 8852

Bill to amend Forest Regn

General and Revenue Secretariat. | File No. 15 of 1935 | [App. F. II

bona fide use, there is no trouble a under the rules no license is nee for possessin up to 5 tbs. To exempt up to a certain limit has administr inconveniences. It will not be possib ymlete it. If sale up to 5 tbs every an individual is allowed, it will an a large quantity, if the sale is often done in the names of a number persons. ~~This is a matter for the Excise Dept~~ If a person wa sell sandalwood dust as a part of his he can easily obtain a licen for possessn may be opposed

(1st Member) 6/7

The Bill was passed in Legislative Council at meeting held on 1.7.35. Sent with a D.O.L.N

Done
4/7 (1st Member)
NSR

7.N. Signed by Member.

CEG.
6/7 S. N. put up.

DEWAN) 8-7-35. 6.

OFFICE OF THE HOME MEMBER
6 JULY 1935
No. 1770

DEWAN'S OFFICE
8 JULY 1935
No. 116
NOTE Contn. Sheet.

Final Note by the First Member of Council.

Subject:—

Bill further to amend the Mysore Forest Regulation, 1900

Gracious approval of His Highness was accorded in March 1935 to place before the Representative Assembly a statement of general principles of a bill to amend Section 75 of the Mysore Forest Regulation, 1900, by providing a penalty for contravention of the provisions of the said section and defining the term "sandalwood" so as to include roots, billets, pieces, sawn or otherwise, chips, sawdust (whether containing heartwood or not) of sandalwood, but not sandalwood carved or otherwise manufactured.

The general principles of the bill were adopted by the Representative Assembly in June 1935. The bill itself was a previous publication introduced in the Legislative Council at the meeting held on the 1st July 1935 and it was considered passed at the same sitting.

I now solicit gracious sanction of His Highness to promulgate the said bill as law.

Krishnan

MEMBER OF COUNCIL.

Bangalore,
6th July 1935.

Submitted to His Highness.

I submit herewith a Final Note by the First *Member of Council* re: Bill further amend the Mysore Forest Regulation, 1900,

for His Highness' gracious approval.

Mirza M. Ismail

Dewan.

8-7-35.

Submitted & approved
His Highness.

MI
9-7-35.

C. Secy)

9-7

General and Revenue
Secretariat

SUBJECT:- Re: Bill to amend the Mysore Regulation, 1900.

(*)

31. All urgent or confidential files returned with His Highness' orders may in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the Members of Council at Head-quarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to Members of Council for perusal of H
Highness' orders before/after issue of orders. (*Vide Rul*
31, 33 and 34 of the Subsidiary Rules for the conduct of busines
Council in the Manual of Council Rules and Procedure.)

Chief Secretary to Governm

Through the Secretary to Government,

.....Department.

2117/9/7

FIRST MEMBER OF COUNCIL.

2226/9/7

SECOND MEMBER OF COUNCIL.

NOTE.—Contn. sheet.

Reg No 11 of 1935

General and Revenue Secretariat File No. 15 of 1935

Subd. with a draft order for publication of the Regn.

Sec 11/7

11/7

Proof to be obtained & verified

RECEIVED 1935 SECTT.

G.O No P309 Dt 12.15.7.35

The Compiler

Orders the publication of the Regn as Regn No 11 of 1935.

The proofs received from the Press is herewith sent up duly revised with print order

Secy 18/7

18/7

P410 Dt 19.7.35

4 Encs

Printed copies are placed in file. The file with an acct to Govt for information & copies returned in A

923 10/8/35

Secy 9/8

9/8

Govt.

Submitted for perusal

10/8/35

Rtd to Pro for U.C.

NOTE—Contn. Sheet.

Secy 19/8

A Bill to further amend the Mysore Forest Regulation No.XI of 1900.

Whereas it is expedient to further amend the Mysore Forest Regulation, XI of 1900; It is hereby enacted as follows:-

The following shall be added as Clause (2) under Section 75 numbering the existing Clause as (1).

"(2) "Whoever contravenes the provisions of Sub-Section (1) of this Section shall be liable, on conviction, to imprisonment for a term which may extend to one month or fine which may extend to two hundred rupees or both."

Explanation:-

In this Section "Sandal wood" shall include roots, billets, pieces, sawn or otherwise, chips and saw dust (whether ~~it does or does not~~ Containing and not contain heartwood), but does include sandalwood carved or otherwise manufactured.

Chief Secretary to Govt

A BILL FURTHER TO AMEND THE MYSORE FOREST No.XI of 1900.

Approved by the Forest Minister

Whereas it is expedient to further amend the Mysore Forest Regulation, XI of 1900: It is hereby enacted as follows:--

Amendment of Section 75.

Section 75 of the Mysore Forest Regulation, 1900, shall be renumbered as sub-section (1) of section 75, and to the said section so renumbered the following sub-section shall be added, namely:--

"(2) Whoever contravenes the provisions of sub-section (1) shall be punished with imprisonment for a term which may extend to one month or fine which may extend to two hundred rupees or both

Explanation.-

In this section 'sandalwood' shall include all sandalwood whether containing heartwood or not and whether in the form of roots, billets, pieces sawn or otherwise, chips or saw dust, but does not include sandalwood carved or otherwise manufactured

Amendment to Section 75 of the Mysore Forest Regulation No.XI of 1900.

Statement of Objects and Reasons.

In a case in which 24 packets of Sandalwood Saw dust were found with a private individual for purposes of sale ~~contrary to sandal transit rules,~~ it was found that no action could be taken against the individual for breach of Section 75 of the Mysore Forest Regulation as no penalty has been prescribed under this Section and as 'Saw dust' is not specifically stated to be included in the term "sandalwood." In the rules for the transit of sandalwood framed under Sections 37, 38 and 76 the Forest Regulation XI of 1900 however the term sandalwood is defined as follows:-

" Sandalwood includes roots, billets, pieces, sawn or otherwise, chips and sawdust, containing any heartwood or not but does not include sandalwood carved or otherwise manufactured."

To overcome ~~these defects~~ the legal difficulties it is proposed to add a penal clause to Section 75 with a note thereunder explaining what all are to be included under the term "sandalwood

Amendment to Section 75 of the Mysore Forest Regulation No.XI of 1900.

Statement of Objects and Reasons.

In a case in which 24 packets of Sandalwood Saw dust were found with a private individual for purposes of sale it was found that no action could be taken against the individual for breach of Section 75 of the Mysore Forest Regulation as no penalty has been prescribed under this section ~~as~~ and as 'Saw dust' is not specifically stated to be included in the term 'sandalwood."
In the rules for the transit of sandalwood framed under Sections 37, 38 and 76 of the Forest Regulation, XI of 1900 however the term sandalwood is defined as follows:--

"Sandalwood includes roots, billets, pieces, sawn or otherwise, chips and sawdust, containing heartwood or not but does not include sandalwood carved or otherwise manufactured."

To overcome the legal difficulties that at present exist, it is proposed to add a penal clause to Section 75 of the Forest Regulation with a note thereunder explaining what all things are to be included under the term "sandalwood".

Bill to further amend the Mysore Forest Regulation 1900.

Statement of general principles.

While under section 75 of the Mysore Forest Regulation the sale or attempt to sell sandalwood is prohibited, no penalty is prescribed for breach of the provisions of this section. Further the Regulation does not define the scope of the term "sandalwood".

2. Instances have come to the notice of Government in which no action could be taken against private persons possessing sandalwood saw dust for purposes of sale as no penalty is prescribed under Section 75 of the Regulation and sandalwood "saw dust" is not included in the term "sandalwood". It is therefore considered expedient to amend the said section by providing a penalty for contravention of the provisions of the said section and define the term sandalwood so as to include roots, billets, pieces, sawn or otherwise, chips and saw dust (whether containing heartwood or not) of sandalwood, but not sandalwood carved or otherwise manufactured.

The Bill is intended to amend the Regulation accordingly.

Section No.	Section as it is at present.	Amendment proposed by this
2 (5)	"Forest Produce" includes:- (a) the following, whether found in or brought from a forest or not, that is to say, timber, charcoal, caoutchouc catecheu, wood oil, sandal wood oil, resin, natural varnish, bark, lac, Mahua flowers and Myrabolams	A regulation to further amend Forest Regulation No.XI of Whereas it is expedient to fu amend the Mysore Forest Reg 1900, it is hereby enacted Section 2 (5) (a). Insert the following betwee words "wood oil" and "sanda "Sandalwood (including root pieces sawn or otherwise, c saw dust containing any hea not)"
	Any person breaking any rule under this Regulation for the breach of which no special penalty is provided, shall be liable on con -viction to imprisonment for a term which may extend to one month. or fine which may extend to two hundred rupees, or both.	Section 78. Insert: (i) the word "framed" betwe words "rule" and "under", (ii) the words "or, any of th visions contained in," between words "under" and "this". (iii) commas after the words "breaking" and "under".

ice.	Sections as they will read if the amendment is approved.	bjects for the proposed amendments.
Mysore	"Forest Produce" includes - (a) the following. whether found in or brought from a forest or not. that is to say timber, charcoal, caoutchouc, catechu, wood oil, Sandalwood (including roots, billets, pieces, sawn or otherwise, chips and saw dust containing any heartwood or not), sandal wood oil, resin, natual varnish, bark, lac, mahua flowers and Myrabolams;	A certain case in which 24 packets of saw dust was found with a private individual for purposes of sale contrary to the sandal transit rules, h to be let off after obtaining legal opinion, as Section 75 of the Mysore Forest Regulation could not be applied because the term "Sandalwood has not been defined in the said Regulation. Hence, the proposed amendment.
	Any person breaking any rule framed under or any of the provisions contained in this Regulation for the breach of which no special penalty is provided shall be liable on conviction to imprisonment for a term which may extend to one month, or fine which may extend to two hundred rupees, or both.	At present, Section 78 applies only the violation of the rules framed under the Regulation but not also the violation of the provisions co tained in the Regulation itself. example, Section 75 prohibits sale sandalwood; but for violation of provision contained therein, no pe has been provided. To overcome s omissions in the Regulation, the p posed amendment will be useful, if is sanctioned.

OFFG. CHIEF CONSERVATOR OF FORESTS.

PROCEEDINGS OF THE GOVERNMENT OF H.H. THE MAHARAJA OF MYSORE

Read:-

tter No.435 dated 27th January

stating that white sandal chi

nsported beyond the vicinity of

eat distances cannot be for any

hips issued from the Kotis gene-

is necessary to restrict the exp

ne 1925, from the Conservator of

a draft amendment to the exist-

nder notification No.F.7103/Ft.

o restrict the free transport o

urhood of Koties.

Bangalore 29th August 1925.

ervator of Forests is approved

separately issued.

Sd. V. Vedavyasacharya,
For Secretary to Government,
Revenue Department.

"Copy"

C11/6-2-35.

Chief Conservator of Forests.

THE MYSORE REPRESENTATIVE ASSEMBLY.

BUDGET SESSION—JUNE 1935.

STATEMENT OF GOVERNMENT BUSINESS TO BE PLACED BEFORE THE REPRESENTATIVE ASSEMBLY.

I. Statement of General Principles of the Bill further to amend the Negotiable Instruments Regulation, 1917.

The object of the Bill is to amend the Negotiable Instruments Regulation, 1917, so as to provide that cheques originally drawn to bearer shall not lose their bearer character, notwithstanding any endorsement thereon whether in full or in blank and whether such endorsement purports to restrict or exclude further negotiation or not. The necessity for the amendment has risen out of the view taken that under Section 50 of the Negotiable Instruments Regulation, 1917, and the illustration thereto, a bearer bill can legally be changed to an order bill by endorsement. This makes it incumbent on banks to examine all endorsements upon bearer cheques, and this considerably increases their work and responsibility without any compensatory advantage to their constituents or to the general public.

The law in British India has been similarly modified by Act XVII of 1934. It is necessary to amend the Mysore Regulation also since it is very desirable that the law in respect of Negotiable Instruments should be uniform in India.

The Bill is intended to secure the above object.

II. Statement of General Principles of the Bill further to amend the Mysore Limitation Regulation, 1911.

Under Articles 176 and 177 of the First Schedule to the Mysore Limitation Regulation, the time allowed for bringing on record the legal representative of a deceased party in suits and appeals filed under the Code of Civil Procedure is six months from the date of the death of such party. This provision leads to unnecessary delay in the disposal of civil cases. In British India, the period was reduced to 90 days by Act XXVI of 1920, and there is no reason to think that the reduction in the period of limitation has worked to the detriment of the parties. If a similar amendment is made here, one cause of delay in the disposal of cases will be removed. In exceptional cases, a remedy is provided by Order XXII, Rule 9 of the Civil Procedure Code. The High Court have recommended the reduction of the period to 90 days as proposed.

It is accordingly proposed to amend Articles 176 and 177 of the First Schedule to Mysore Limitation Regulation, 1911.

III. Statement of General Principles of the Bill further to amend the Code of Criminal Procedure, 1904.

Under Section 367 of the Code of Criminal Procedure, every judgment has to be written by the presiding officer of the court.

The High Court have recommended that the Code of Criminal Procedure, be amended so as to allow dictation of judgments by Judges not lower in rank than Assistant Sessions Judges and also by Magistrates specially empowered. This will assist the Judges and Magistrates concerned in their work, and enable them to dispose of cases more promptly.

In British India, Section 367 of the Code of Criminal Procedure, was amended in 1923, giving power to all presiding officers to dictate judgments. Power has been taken under the Mysore Civil Procedure Code to empower the presiding officers of Civil Courts to pronounce judgments by dictation. The system has proved to be a convenient arrangement, and is working satisfactorily.

It is proposed to amend Section 367 of our Code, restricting the power only to officers specially empowered in that behalf.

IV. Statement of General Principles of the Bill to further amend the Mysore Forest Regulation, 1900.

While under Section 75 of the Mysore Forest Regulation the sale or attempt to sell sandalwood is prohibited, no penalty is prescribed for breach of the provisions of this Section. Further the Regulation does not define the scope of the term "sandalwood".

2. Instances have come to the notice of Government in which no action could be taken against private persons possessing sandalwood saw-dust for purposes of sale as no penalty is prescribed under Section 75 of the Regulation and sandalwood "saw-dust" is not included in the term "sandalwood". It is therefore considered expedient to amend the said section by providing a penalty for contravention of the provisions of the said section and define the term sandalwood so as to include roots, billets, pieces, sawn or otherwise, chips and saw-dust (whether containing heartwood or not) of sandalwood, but not sandalwood carved or otherwise manufactured.

The Bill is intended to amend the Regulation accordingly

V. Statement of General Principles of the Bill to amend the Cinematograph Regulation, 1923.

Under the provisions of the Cinematograph Regulation, 1923, all films intended for public exhibition in Mysore are subject to censorship. The censorship is, however, confined to the film itself and does not extend to the manner of advertising the film which is often more objectionable than the film advertised. This exhibition of indecent or otherwise objectionable film posters in public places has come to the notice of the Government and the desirability of taking action to bring these posters under control has been urged upon the attention of Government by Associations for social welfare and the suggestion has been made that the Regulation should be amended so as to provide for the censorship of all pictorial representations intended for use as advertising matter in connection with cinematograph films. The Bill is intended to provide for such censorship.

VI. Statement of General Principles of the Bill to amend the Mysore Agriculturists' Relief Regulation, 1928.

In September 1934, a Committee was appointed by the Government under the Chairmanship of *Rajasabhabhushana* K. R. Srinivasa Iyengar, M.A., to examine how far the extension of the Mysore Agriculturists' Relief Regulation to the whole State has affected the credit of the agriculturists and to submit a report to Government. The Committee examined the question and submitted to Government in February 1935, an exhaustive report together with the draft of a Bill embodying their recommendations.

Government have approved of the recommendations of the Committee with slight modifications as ordered in Government Order No. P. 6404-16—Legis. 12-34-1, dated 23rd May 1935 and this Bill is intended to secure the amendment of the Regulation on those lines.

The general principles of the proposed amendments to the Bill are as follows :—

Under the Regulation, the court is empowered to grant instalments at the time a mortgage decree is passed or in execution proceedings under such decree and also in execution proceedings under a money decree. There is no specific provision

empowering a court to direct payment by instalments when passing a money decree, though it may be said that it may exercise such power vested in it under the Civil Procedure Code, in case of suits under this Regulation also. It is proposed to amend Section 12 so as to include specifically such a power.

2. The existing discretionary power of courts to order interest or not under Sections 11 and 12 of the Regulation, is proposed to be modified so as to make it obligatory to grant some future interest in all cases, the rate of interest being, however, left to be determined by the courts.

3. The Bill provides for the addition of a new provision laying down that in fixing instalments under Sections 11 and 12 of the Regulation the courts should be required to take into consideration the period that the loan has been outstanding and also the repaying capacity of the judgment-debtor.

4. The courts will be empowered to direct that in the event of failure to pay two consecutive instalments, the whole debt should become due and be recoverable.

5. Exemption from attachment and sale in execution of a money decree under Section 14 is proposed to be limited to the agricultural land only of the debtor, and the other immoveables would not be so exempt. Provision is made to direct attachment and sale of the agricultural land also or declare a charge thereon in cases where payment by instalment is ordered and the debtor is unable to furnish security. The sale in pursuance of an attachment or charge will be ordered only when default is made in the payment of two consecutive instalments.

6. Power will be vested in the Government to exempt particular co-operative societies or classes of co-operative societies at their discretion from the operation of the provisions of the Regulation.

PRIVATE BILL.

General Principles of the Mysore Debtors' Bill.

A man who fails to pay a debt due under a decree is liable to be arrested and cast into prison.

It is increasingly felt to be a barbarity and the belief that it is a successful means of drawing out secreted property and preventing fraud is neither well founded nor morally justifiable. Corporal punishment for civil liability is neither desirable nor necessary in the interests of society.

Formerly, even women were thus liable. A law was passed preventing it, and the same is now embodied in Section 56 of the Civil Procedure Code.

Recently, agriculturists who come within the definition of the term in the Mysore Agriculturists' Relief Regulation have been exempted from the liability.

Arrest and imprisonment for non-payment of debt is thus recognised to be undesirable and opposed to our sence of justice and morality. It is the general feeling in many civilised countries. In England, they passed a law called the Debtors Act which has practically abolished arrest and imprisonment for non-payment of debt.

It is learnt that it has been abolished in France, Germany, Scotland, Turkey, South Africa and in many of the States of the U.S.A.

In agreement with this general feeling, the Bill seeks to abolish arrest and imprisonment in execution of a decree for money.

PRIVATE BILL.

1. The Mysore Debtors' (Regulation) Bill.

Whereas it is expedient to provide that no person shall be arrested or imprisoned in execution of a decree for money, it is hereby enacted as follows:—

1. (i) This Regulation shall be called "The Mysore Debtors' Regulation, 193 ."

(ii) It shall extend throughout the State of Mysore.

(iii) It shall come into force from the 1st day of January 193 .

2. Notwithstanding anything contained in any law for the time being, no person shall be arrested or imprisoned in execution of a decree for money passed whether before or after this Regulation comes into force.

Statement of Objects and Reasons.

The present law rendering a judgment-debtor liable to be cast into prison a barbarous. In all civilised countries, it has been either totally abolished is negatived by restrictions. In India the movement for its abolition started as for back as 1881. As a first step, the law exempted women from being arrested and imprisoned for a decree debt. Since then the question has been considered now and then with the result that the law has been liberalised and the severity relaxed. Poverty and ill-health can be pleaded against imprisonment. Insolvency protection can be had under certain conditions. Nevertheless, the principle of arresting a man for failure to pay a debt is still recognised by the statute. It is a vicious principle, a negation of the dignity of the human body, a denial of the rights of the family and society over the person of the judgment-debtor. The Curgenven Report of 1914 and the Whitley Commission Report of 1931 alike recommended the abolition of imprisonment for debt. In England the Debtors Acts of 1869 and 1878 abolished it except in a few cases which have also become obsolete. It is learnt that imprisonment for debt is abolished in France, Germany, Scotland, many of the States of the U. S. A., Turkey and South Africa. In Mysore, it has been abolished in the case of all women by Section 56 of the Civil Procedure Code and in the case of all such men as are agriculturists, by Section 13 of the Agriculturists' Relief Regulation. It is generally agreed that arrest and imprisonment for debt is undesirable and deserving of abolition. The bill is intended to give effect to it.

BANGALORE,
Dated 1st June 1935.

C. SUBRAHMANYA AIYAR,
Secretary, Representative Assembly.

G. R. S. VI.—s-III/14]

DRAFT.

SUBJECT.....

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Diary No. of letter replied to.....

GENERAL AND REVENUE SECRETARIAT,

( )

, *the*.....*191*

Date of issue.....15/7/85

Signed by.....

Section. Ly
File No. 15
Serial No. 1

Proceedings of the Government of H. H. the Maharaja of Mysore.

Order No. P 309/Sec 1

Ordered that the accompanying Regn. further to amend the Forest Regulations, 1900 which received the assent of His Highness the Maharaja, on the 9th day of July 1985, be published as Regulation No. 11 of 1985, in the *Mysore Gazette* for general information.

Secretary to Government.

11/7/85

May this be—

(i) Printed?

(ii) Treated as a standing order?

(iii) Published in the "Gazette" English part?

(iv) Translated?

(v) Placed at the disposal of the Press?

(vi) Published in the "Gazette" Kannada part?

To

The Compiler, *Mysore Gazette*, for publication in Part ~~III~~ IV of the Gazette, in English and Kannada and for supply of .....spare copies in English, and .....~~spare copies~~ in Kannada ~~to~~ this office, and.....spare copies in English and.....~~spare copies~~ in Kannada to the Curator, ~~Government Central Book Depot, Bangalore.~~ Proofs should be sent to this office for approval before publication.

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.

NOTIFICATION.

Order No. P. 309—Legis., dated Bangalore, 12—15th July 1935.

Ordered that the accompanying Regulation further to amend the Mysore Forest Regulation, 1900, which received the assent of His Highness the Maharaja, on the 9th day of July 1935, be published as Regulation No. II of 1935, in the *Mysore Gazette* for general information.

By Order,

H. V. RAMASVAMI,

Secretary to Government,
General Department.

REGULATION II OF 1935.

(Received the assent of His Highness the Maharaja on the 9th day of July 1935.)

Regulation further to amend the Mysore Forest Regulation, XI of 1900.

Whereas it is expedient to further amend the Mysore Forest Regulation XI of 1900; It is hereby enacted as follows:— Amendment of section 75.

Section 75 of the Mysore Forest Regulation, 1900, shall be renumbered as sub-section (1) of section 75, and to the said section so renumbered the following sub-section shall be added, namely:—

"(2) Whoever contravenes the provisions of sub-section (1) shall be punished with imprisonment for a term which may extend to one month or fine which may extend to two hundred rupees or both.

"*Explanation.*—In this section "sandalwood" shall include all sandalwood whether containing heart-wood or not, and whether in the form of roots, billets, pieces sawn or otherwise, chips or saw dust, but does not include sandalwood carved or otherwise manufactured."

MIRZA M. ISMAIL,

Dewan.

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